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American Association of Motor Vehicle Administrators

November 8, 2001

The Honorable Joseph M. Clapp
Administrator
Federal Motor Carrier Safety Administration
400 Seventh Street SW
Washington, DC 20590

FMCSA-2001-11117-4

Dear Administrator Clapp:


On behalf of the American Association of Motor Vehicle Administrators (AAMVA), I am writing to express our concerns over Section 1012 Limitation on Issuances of Hazmat Licenses in the US Patriot Act (H.R. 3162 – P.L. 107-56) signed into law on October 26, 2001, as well as the proposed House and Senate amendments recently circulated for discussion.

There is no uniform agreement between the House and Senate draft amendments for issuing or renewing hazmat endorsements. Thus, we propose the following recommendations in the interim until a workable solution is found:

1. A six-month moratorium on the issuance of hazmat endorsements to non-US citizens with an exception for documented resident aliens.
2. During the six-month moratorium, the Departments of Transportation and Justice should work with AAMVA to develop a workable system, procedures, and penalties for hazmat endorsements.
3. AAMVA's members will provide a monthly report on new issuance and renewals of hazmat endorsements to the United States Attorney General during the moratorium period.
4. The language of any legislation be worded to make it clear that any new definition of hazardous materials apply to all drivers with a hazardous material endorsement, not just aliens. We also encourage the federal government to identify additions to the list of hazardous materials with deliberate speed.
5. A federal funding mechanism be identified for completion of provisions of this section due to budget constraints on states post September 11.

There are a number of issues to be resolved with the hazmat endorsement provisions that became law. We look forward to working with you to find a solution to improve commercial driver and vehicle safety on our nation's highways. If you have any questions do not hesitate to contact Mike Calvin, AAMVA's Senior Vice President of Programs Division, or Tom Wolfsohn, AAMVA's Senior Vice President of Government Affairs at (703) 522-4200.

Sincerely,


Linda R. Lewis